

**REMARKS**

Claims 1-18 and 20-54 are currently pending in the application. No amendments have been made to the claims. Accordingly, Applicants request reconsideration and withdrawal of the rejections in view of Applicant's Remarks.

***Acknowledgement of Allowable Subject Matter***

Applicants gratefully acknowledge the Examiner's indication that claims 31 and 37-40 contain allowable subject matter and would be allowable if presented in independent forms that include all the features of their base claims and any intervening claims. However, as Applicants maintain the independent claims are allowable, these claims have not yet been presented in independent form.

***35 U.S.C. § 102(b)******1. Over BRENDEL***

Applicants traverse the rejection of claims 1-7, 13-18, 20-22, 26, 28-29, 30, 32, 33-36, 42 and 45-46 under 35 U.S.C. § 102(b) as being anticipated by Brendel (U.S. Patent No. 5,141,238) ("BRENDDEL"). The Examiner asserts that BRENDDEL shows all of the features of the above-noted claims. Applicants traverse the Examiner's assertions.

While the Examiner did not identify claims 32 and 47-50 in line 1 of section 4 of the Office Action (page 2), claims 32, 47-50 were specifically identified and argued under section 4 (see pages 4-5 of Office Action) and the subject matter of claim 51 was argued (as claim 49). Therefore, Applicants believe as best that can be understood by

the Examiner Office Action, claims 32 and 47-51 were intended to be included in section 4 of the instant Office Action.

Applicants' independent claim 1 recites, *inter alia*,

“...at least one sealing element, positionable opposite the moving surface to form a front and a rear, with respect to a surface running direction, comprising a sealing section located at said front and a ventilation section located at said rear;

wherein said sealing element is pivotally mounted at an end of said ventilation section...”.

Applicants' independent claim 15 recites, *inter alia*,

“...at least one sealing element, positionable opposite the moving surface to form a front and a rear, with respect to a surface running direction, comprising a sealing section located at said front and a ventilation section located at said rear; and

said at least one sealing element being pivotably mounted at an end of said ventilation section to pivot relative to the moving surface to position said at least one sealing element into an operating position,

wherein, in said operating position, said sealing section is in sealing contact with the moving surface and a gap is formed between the ventilation section and the moving surface...”.

Applicants' independent claim 21 recites, *inter alia*,

“...at least one sealing element, positionable opposite the moving surface to form a front and a rear, with respect to a surface running direction, comprising a sealing section located at said front and a ventilation section located at said rear; and

said at least one sealing element being pivotably mounted to pivot relative to the moving surface to position said at least one sealing element into an operating position,

wherein, in said operating position, said sealing section is in sealing contact with the moving surface and a gap is formed between the ventilation section and the moving surface, and

wherein said sealing element is pivotally mounted in a region of an end face located at said rear...”.

Applicants submit that in contrast to the requirement of 35 U.S.C. § 102(b), BRENDDEL does not disclose every element of the claimed invention. Applicants submit that BRENDDEL does not anticipate the instant invention, as at least recited in the independent claims.

BRENDDEL discloses a seal system (10') that swings on a pivot axis (4) and is arranged against a moving surface (2) shown in Figure 2, operating between zones (16 and 11) or pressure chambers of over-pressure or under-pressure at the moving surface (2). A base portion (4') pivots between two defined swing positions, and in the front end position, seals against the surface 24. See Figure 2 and Col. 4, lines 13-15, 20-26 and 40-46. In fact, a review of this document reveals BRENDDEL teaches away from the instant invention, reciting, in part,

“...sealing arrangements for a roll which comprises hollow cylinder 2 rotatably mounted about rotationally stationary crosshead 1 so that cylinder 2 may, for example, rotate in the direction of arrow 6...”. See Col. 3, lines 43-45.

“...seal strip 10 has a substantially L-shaped transverse cross-section with longer leg 13 extending into longitudinal undercut 4 so that its longitudinal edge, the first longitudinal edge face, sealingly engages base portion 4'...”. See Col. 4, lines 30-34.

Applicants submit that this document not only fails to show the ventilation section located at the rear of the sealing element, but also fails to disclose the sealing element being pivotally mounted at an end of the ventilation section.

In contrast to the instant invention, Applicants note that BRENDDEL shows the seal strip 10 positioned with the bores 15 on the front (or base portion 4') of the seal strip 10 positionable opposite the moving surface or hollow cylinder 2, with respect to the surface running direction 6. See Figure 1 and Col. 5, lines 8-13. In particular,

Applicants submit that BRENDDEL shows the seal strip 10 having a front (or base portion 4') and a rear (or shorter leg 14) in relation to the hollow cylinder 2, with respect to the surface running direction 6, wherein the front (or base portion 4') includes bores 15. However, BRENDDEL does not disclose, *inter alia*, *at least one sealing element, positionable opposite the moving surface to form a front and a rear, with respect to a surface running direction, comprising a sealing section located at said front and a ventilation section located at said rear*, as recited in at least independent claims.

Moreover, BRENDDEL does not disclose or even arguably suggest a sealing element pivotally mounted at the rear end position of the sealing element, in fact, BRENDDEL does not disclose a ventilation system, or a ventilation system located at the rear end of the sealing element as recited in Applicant's independent claims. In particular, BRENDDEL does not disclose a sealing element structured and arranged to pivot in the same manner as that of the instant invention.

Because BRENDDEL fails to disclose *a sealing section located at said front and a ventilation section located at said rear and wherein said sealing element is pivotally mounted at an end of said ventilation section*, as recited in at least independent claim 1, and fails to show *a sealing section located at said front and a ventilation section located at said rear and at least one sealing element being pivotably mounted at an end of said ventilation section*, as recited in at least independent claim 15, and fails to show *a sealing section located at said front and a ventilation section located at said rear and said sealing element is pivotally mounted in a region of an end face located at said rear*, as recited in at least independent claim 21, Applicants submit that the applied art fails to show each and every recited feature of the present invention. Accordingly, Applicants

submit that the Examiner has failed to provide any adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. §102(b) and that the instant rejection should be withdrawn.

Further, Applicants submit that claims 2-7, 13-14, 16-18, 20, 22, 26, 28-29, 30, 32, 33-36, 42 and 45-51 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by BRENDDEL, these further claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-7, 13-18, 20-22, 26, 28-29, 30, 32, 33-36, 42 and 45-51 under 35 U.S.C. §102(b) and indicate that these claims are allowable.

## 2. Over WICKS

Applicants traverse the rejection of claims 23-24 and 26 under 35 U.S.C. § 102(b) as being anticipated by Wicks et al. (U.S. Patent No. 4,783,085) ("WICKS"). The Examiner asserts that WICKS shows all of the features of the above-noted claims. Applicants traverse the Examiner's assertions.

Applicants' independent claim 23 recites, *inter alia*,

"...at least one sealing element, positionable opposite the moving surface to form a front and a rear, with respect to a surface running direction, comprising a sealing section located at said front and a ventilation section located at said rear;

said at least one sealing element having a groove to be pivotably mounted to pivot relative to the moving surface to position said at least one sealing element into an operating position..."

Applicants submit that WICKS does not anticipate the instant invention, as at least recited in independent claim 23.

WICKS discloses a seal system (10) swings on a pivot axis (36') shown in figure 2, operating between zones (32 and 34) of high pressure (32) and a low pressure (34) at a moving surface (14), such that seal (10) is arranged against the stationary (or substantially static sidewall) surface (12). Seal (10) pivots between two defined swing positions, sealing against surface (24). See Figure 2 and Col. 3, lines 14-57. However, contrary to the present invention, WICKS does not disclose, *inter alia*, at least one sealing element, positionable opposite the moving surface to form a front and a rear, with respect to a surface running direction, comprising a sealing section located at said front and a ventilation section located at said rear, as recited in at least independent claim 23.

Moreover, WICKS does not disclose a sealing element having a groove to be pivotally mounted to pivot relative to the moving surface and/or a fixed bearing element arranged to engage said groove, nor does WICKS disclose a sealing element structured or positioned opposite a moving surface to form a front and a rear with respect to a surface running direction or a pivot bearing arranged to engage the groove in the sealing element. In fact, WICKS does not disclose a ventilation section, or a ventilation section located at the rear end of the sealing element, as recited in at least independent claim 23.

Because the applied reference of WICKS fails to disclose each and every element recited in the claims, Applicants submit that WICKS fails to provide an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C.



§102(b). Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 23-24 and 26 under 35 U.S.C. § 102.

**35 U.S.C. § 103(a)**

Applicants traverse the rejection of claims 10-12 under 35 U.S.C. § 103(a) as being unpatentable over BRENDDEL in view of Kawamura et al. (U.S. Patent No. 4,295,654) ("KAWAMURA"). Applicants traverse the Examiner's assertions.

As acknowledged by the Examiner, BRENDDEL does not show all of the features of the claimed invention. In particular, as BRENDDEL shows the seal strip 10 having a front (or base portion 4') and a rear (or shorter leg 14) in relation to the hollow cylinder 2, with respect to the surface running direction 6, such that the front (or base portion 4') includes a bore 15. Moreover, as discussed above, BRENDDEL does not disclose or even suggest, *inter alia*, at least one sealing element, positionable opposite the moving surface to form a front and a rear, with respect to a surface running direction, comprising a sealing section located at said front and a ventilation section located at said rear, as recited in at least independent claim 1.

Moreover, BRENDDEL does not even arguably suggest the sealing element that is pivotally mounted at the rear end position of the sealing element, in fact, BRENDDEL does not disclose a ventilation system, or a ventilation system located at the rear end of the sealing element as recited in Applicant's independent claims. In particular, BRENDDEL does not disclose a sealing element structured and arranged to pivot in the same manner as that of the instant invention.

Applicants note that, while KAWAMURA discloses a seal for track linkage that is made of UHMW polyethylene, KAWAMURA does not disclose or suggest a sealing section located at the front and a ventilation section located at the rear, and the sealing element pivotally mounted at an end of the ventilation section, as recited in at least independent claim 1.

Applicants submit that KAWAMURA fails to show the features of the invention identified as deficient in BRENDDEL. Neither reference shows or suggests *inter alia*, a sealing section located at the front and a ventilation section located at the rear; and wherein the sealing element is pivotally mounted at an end of the ventilation section, as recited in at least independent claim 1. Further, neither BRENDDEL nor KAWAMURA disclose or even arguably suggest a sealing element pivotally mounted at the rear end position of the sealing element, as recited in at least claim 1, and neither document discloses or suggests a ventilation system, or a ventilation system located at the rear end of the sealing element. Therefore, because neither applied document teaches or suggests at least the above noted features, applicants submit that no proper combination of these documents can render unpatenable the recited combination of features.

Applicants further submit that claims 10-12 are allowable at least for the reason that these claims depend from allowable base claim 1 and because these claims recite additional features that further define the present invention.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 10-12 under 35 U.S.C. § 103.



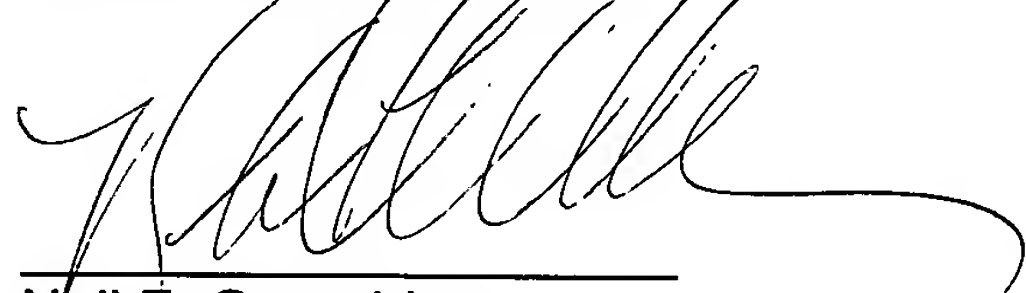
**CONCLUSION**

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicant's invention, as recited in each of claims 1-18 and 20-54. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,  
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